

M I N U T E S
Meeting of the Mayor and Council
Monday, December 6, 2010
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Watkins called the meeting to order at 8:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Watkins called for a moment of silent prayer and asked Councilwoman Walker to lead the salute to the flag.

STATEMENT -

Mayor Watkins read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. "Adequate Notice of this meeting has been made by sending notice on December 18, 2009 to THE RECORD and THE RIDGEWOOD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall, and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon, Councilman Cordts and Mayor Watkins were present.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Porco, seconded by Councilman Smith to approve the minutes of the Mayor and Council work session and regular meeting of November 15, 2010.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cannon, seconded by Councilman Porco to approve the minutes of the Mayor and Council work session of November 22, 2010.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Cannon, seconded by Councilman Porco to approve the hire of Clay Marcoux, 200 Zabriskie Place, as part-time Fire Inspector in the Fire Prevention Department at an hourly rate of \$23.88, effective December 7, 2010.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Porco, seconded by Councilman Walker to approve the resignation of Councilwoman Mary Anne Rush effective at noon, November 16, 2010.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cannon, seconded by Councilman Smith to approve the resignation of George E. Riley from the Planning Board, effective June 30, 2010.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

PROCLAMATION & AWARDS -

Motion by Councilman Smith, seconded by Councilman Cannon to table the Presentation of Plaque to Mary Anne Rush in Recognition of Service to the Community as Councilwoman.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

NOMINATION TO FILL COUNCIL SEAT to December 31, 2011

The Borough Clerk read the letter from Councilman Tom Smith Democratic County Committee Municipal Chairman as follows: -

"Due to pressing family matters Councilwoman Rush has had to resign her position. The resignation letter was given to you setting in motion the procedure to replace Councilwoman Rush at the Council of December 1st, 2010."

"I called a meeting of the Democratic County Committee on Sunday evening November 28th at 7:30 p.m. The meeting was held in the Public Meeting room on the 2nd floor of the Public Safety Building. The following members of the River Edge Democratic County Committee were in attendance: Dan Daly, Mel Solomon, Esther Fletcher, Colin Quinn, Tracy Ellen Ehalt, Andy Rossmer, John Cannon, Sandy Moscaritolo, Stacy Stein, Eileen Chusid and Tom Smith."

"The following individuals were interviewed and selected to represent the River Edge Democrats as a replacement for Councilwoman Mary Ann Rush to be held December 6th at a regular Council meeting: Mel Solomon, Kathleen Murphy Flynn and Sandy Moscaritolo."

"Respectfully submitted, Thomas J. Smith, River Edge County Committee Chairperson."

Motion by Councilman Cannon, seconded by Councilman Smith to nominate Mr. Sandy Moscaritolo to fill the Council seat vacated by Councilwoman Rush.

ROLL CALL VOTE - Councilwoman Walker, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

OATH OF OFFICE OF NEW COUNCIL PERSON

Mayor Frank DiBari administered the Oath of Office to Sandy Moscaritolo.

ROLL CALL NEW COUNCIL: Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon, Councilman Cordts and Mayor Watkins were present.

CORRESPONDENCE -

Notice	-	River Edge Board of Education - 11/15/10 Re: Meeting - 11/17/10
Letter	-	Councilwoman Mary Anne Rush - 11/15/10 Re: Resignation from Council
Notice	-	PSE&G - 11/17/10 Re: Rate Changes
Notice	-	BCUA - 11/19/10 Re: Public Hearing Notice
Notice	-	River Edge Board of Education - 11/28/10 Re: Meeting - 12/1/10
Letter	-	State of New Jersey-DEP - 11/29/10 Re: Notice of Violation-BC Historical Society
Letter	-	Kevin J. Drennan - 11/30/10 Re: Deletion of cultural-es
Notice	-	PSE&G - 11/30/10 Re: Rate changes
Letter	-	Birdsall Services Group - 11/30/10 Re: EJIF Audit
Letter	-	Thomas J. Smith - Democratic Municipal Chairman - 12/1/10 Re: Title 19 - Election Law - Submission of Three Nominees to Fill Vacant Council Seat
Letter	-	Colin M. Quinn, Esq. - 12/1/10 Re: Letter of Resignation
Letter	-	Master Consulting - 12/1/10 Re: Flood Hazard Area Application-City of Hackensack
Letter	-	Master Consulting - 12/2/10 Re: Flood Hazard Area Application - Twp of Teaneck
Letter	-	George E. Riley - 12/3/10 Re: Letter of Resignation

MONTHLY REPORTS -

Library	-	November 16, 2010
Zoning Board of Adjustment	-	September 8, 2010
Zoning Board of Adjustment	-	October 13, 2010
Planning Board	-	September 16, 2010
Board of Health	-	November 29, 2010

ORDINANCES - 1st Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1718 as follows:

Ordinance #1718 - AN ORDINANCE AMENDING CHAPTER 453 "PUBLIC HEALTH NUISANCES" OF THE CODE OF THE BOROUGH OF RIVER EDGE

Bill Lindsley- explained that there will be a change in Paragraph 2. (O). He further explained that as it reads now it reflects loud and unnecessary noises and the Borough already has an ordinance regulating noise. The Health Department requested that it be taken out and replaced with language prohibiting the feeding of water fowl.

Motion by Councilman Smith, seconded by Councilman Cannon to approve the first reading of Ordinance #1718 as amended as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1718

AN ORDINANCE AMENDING CHAPTER 453 "PUBLIC HEALTH NUISANCES" OF THE CODE OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge Code Chapter 453 "Public Health Nuisances" be and hereby is amended as follows:

Section I: Code Sections 453-1 through 453-4 are hereby deleted and replaced with the following.

Section II: 1. DEFINITION

As used in this Chapter, Nuisance shall mean whatever is dangerous to human health, or whatever renders the ground, the water, the air or food a hazard or injury to human health, is hereby considered a nuisance.

2. PROHIBITED ACTS

It shall be unlawful for any person or persons to commit, maintain or allow to exist any nuisance, as declared and described hereinafter. The following matters, things, conditions or acts and each of them are hereby declared to be nuisances and injurious to the health of persons in this Borough:

- A. Any matter, thing, condition, or act which is or may become a detriment or menace to the health of persons in this Borough.
- B. Any matter, thing, condition, or act which is or may become, annoy or interfere with the comfort or general well-being of persons in this Borough.
- C. Pollution, or the existence of a condition or conditions which cause or threaten pollution of any waters in this Borough in such a manner as to cause or threaten injury to any persons or beasts in this municipality with regard to their health, comfort or property. Waters shall include but not be limited to wells, streams, springs, reservoirs, bathing and swimming pools.
- D. Permitting a growth of or failing to remove brush, weeds or other vegetation, contact with which or the pollen from which will cause discomfort or injury to health.
- E. The existence or presence of any pool or container of water or other liquid in which mosquito larvae can breed or exist.
- F. The existence or presence of any accumulated garbage, refuse, manure or animal or vegetable matter and/or the deposit, accumulation or maintenance of any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- G. Maintaining any premise which is infested with rats, mice or other rodents. Depositing,

accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access, or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, buildings or any other place.

- H. Depositing, maintaining or permitting to exist any foul, decaying, malodorous or offensive matter in or upon any lot, yard, street, house, building, premises or place, whether public or private.
- I. Throwing upon or allowing to flow from any premises, upon any street, public place, open lots or public or private property, or allowing to collect upon the surface of any premises, any waste, water, dirty water, slops, stable drainings, overflow from any cesspool or privy vault, or any offensive matter whatever.
- J. Allowing to exist any unclean or unsanitary conditions in any cellar, room or building or any imperfect plumbing or sewer appliances or connections from which any foul or noxious odors or liquids may escape.
- K. Taking or allowing any dog, cat or other animal to enter any area of a store where food is offered for sale, sold or stored, except that any Seeing Eye dog is exempt from the prohibition. Exception to this must be specifically approved by the Board.
- L. Burying or causing to be buried any dead animal under any property, private or public, in the Borough.
- M. Expecterating upon public sidewalk or upon any part of the interior or exterior of any public building or public conveyance.
- N. Maintaining stationary lights other than public street lighting which have light output of such magnitude and/or direction as to cause discomfort or injury to health.
- O. Feeding of waterfowl.
- P. The keeping of any dwelling house or other building in which there is or has been any pollutions or communicable disease without thorough airing, cleaning and disinfection is hereby declared to be a nuisance.
- Q. Presence of poison ivy, ragweed or sumac in or on any land or premises is specifically declared to be a nuisance.

3. ABATEMENT OF CERTAIN NUISANCES; NOTICE; COSTS

Where noises, noxious odors, gas or vapor or cause of ill health or disease shall be found on private property, the Board shall cause notice thereof to be given the owner or owners to remove or abate the same at their own expense within such time as the Board shall deem proper. A duplicate of the notice so given shall be left with one (1) or more of the tenants or occupants of the premises. If the owner resides out of State or cannot be reached with notice speedily, notice left at the house or placed on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the Board of Health within the time specified, the Board may proceed to abate such nuisance and remove the cause of such foul and noxious odors, gas or vapor or other conditions detrimental to the public health, and such Board shall have the right to recover, by action for debt, for the expense incurred by said Board in the abatement or removal, from any person or persons who shall have caused or allowed such nuisance, source of foulness or cause of sickness hazardous to the public health, and from any owner, tenant or occupant of the premises who after such notice as aforesaid shall

have failed to remove such nuisance within the time specified in the notice, and in case the Board of Health shall fail to recover such expense or it shall be deemed inexpedient to bring such suit, they may present the bill, certified by the Board or a majority thereof, to the local municipal authorities, and such bill shall be audited and paid by the Borough Council or other local municipal government, in and for which the Board is organized, in the same manner as the bills for ordinary current expenses for such municipality are paid.

4. VIOLATIONS AND PENALTIES

A. Maximum penalty. Any person violating any of the provisions of any chapter adopted by the Board of Health or the Borough shall, upon conviction thereof, pay a penalty of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00), for each offense. Complaint shall be made in the Municipal Court of the Borough or before another judicial officer having authority under the laws of the State of New Jersey. The Court shall have the power to impose the other and additional penalties provided by N.J.S.A. 26:3-77 and 26:3-78.

B. Separate violation. Except as otherwise provided, each and every day in which a violation of any of the provisions of any chapter adopted by the Board of Health exists shall constitute a separate violation.

C. Collection of fees and penalties. All fees and penalties collected under any provision of any chapter adopted by the Board of Health shall be paid to the Chief Financial Officer.

Section III: All ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

Section IV: If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section V: This ordinance shall take effect immediately upon final passage and publication as required by law.

Margaret Falahee Watkins, Mayor

Attest:

Denise Dondiego, Borough Clerk

Dated:

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Denise Dondiego, Borough Clerk read the title of Ordinance #1719 as follows:

Ordinance #1719 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE CHAPTER 400 "VEHICLES & TRAFFIC, ARTICLE III "TRAFFIC REGULATIONS", SECTION 21 "TURNS"

Motion by Councilman Smith, seconded by Councilman Cannon to approve the first reading of Ordinance #1719 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1719

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE CHAPTER 400 "VEHICLES & TRAFFIC, ARTICLE III "TRAFFIC REGULATIONS", SECTION 21 "TURNS"

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, that Chapter 400 "Vehicles & Traffic" of the Revised General Ordinances of the Borough of River Edge is hereby amended and supplemented as follows:

Section I. Chapter 400, Article III, Section 21 Turns, Section B shall be supplemented to reflect the following:

400-21 Turns.

B. Left Turns. No Person shall make a left turn on any of the following streets:

Add:

(14) Kinderkamack Road (north) onto Jefferson Avenue between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m. during School Days.

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Margaret Falahee Watkins
Mayor

ATTEST:

Denise A. Dondiego, Borough Clerk
Dated:

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

ORDINANCES - 2nd Reading - NONE

RESOLUTIONS - By Consent

Motion by Councilman Cannon, seconded by Councilwoman Walker to approve resolution #10-410 through #10-424.

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

#10-410 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement - Nicholas & Joyce Ignazzi v. Borough of River Edge, Block 701.01, Lot 19.15

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of Nicholas & Joyce Ignazzi v. Borough of River Edge, Block 701.01, Lot 19.15, 501 Manning Court, River Edge; and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of December 6, 2010.

~~NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with a total assessment of \$774,600 for calendar year 2010 for Block 701.01, Lot 19.15.~~

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to

forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Alan Spiniello, Esq.

December 6, 2010

#10-411 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement - HICA/New Boston/Prism Capital Partners LLC v. Borough of River Edge, Block 1306, Lot 4.02 & 4.03, Commerce Way

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of HICA/New Boston/Prism Capital Partners LLC v. Borough of River Edge, Block 1306, Lots 4.02 & 4.03, Commerce Way; and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of December 6, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with a total assessment of \$1,150,400.00 for calendar years 2009 and 2010 for Block 1306, Lot 4.03.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Alan Spiniello, Esq.

December 6, 2010

#10-412 Resolution to Refund Planning Board Escrow Money, Block 1406 Lot 2 & 3, 125 Kinderkamack Road

WHEREAS, the following application has been made to the Planning Board for Site Plan approval and have since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name/Address</u>	<u>Amount</u>
1406/2 & 3	Toni Co. 72 Norfolk Street Bergenfield, NJ 07671	\$8,285.00

December 6, 2010

#10-413 Grant Raffle License to the Lions Club of River Edge

BE IT RESOLVED that the following license to conduct an On Premise 50/50 Raffle to be issued to the Lions Club of River Edge, P.O. Box 33, River Edge, New Jersey, 07661, License #623, I.D. 423-8-26559 to take place at the River Edge Cultural Center, 201 Continental Avenue, River Edge, New Jersey on April 17, 2011 at 12:00 noon.

The Clerk reporting all in order.

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control of the State of New Jersey.

December 6, 2010

#10-414 Report Investments Pursuant to the Cash Management Plan

BE IT RESOLVED that the following investments and deposits made pursuant

to the Cash Management Plan of the Borough of River Edge are hereby confirmed and accepted by the Governing Body.

Months of May, June, July, August, September and October 2010

<u>Name of Institution</u>	<u>Amount</u>	<u>Type</u>	<u>Book Value</u>	<u>Earned Income</u>	<u>Market Value</u>	<u>Int. Rate</u>
N.J. Cash Management Fund	\$1,000,000.00	CMF	\$1,000,000.00	\$1,350.53	\$1,001,350.53	.21

December 6, 2010

#10-415 Change in Personnel Policy & Procedure Manual - Section VI, Work Rules and Standards, Subject 4, Attendance

WHEREAS, the Borough of River Edge adopted a Personnel Policy & Procedure manual on March 7, 1983 via resolution #83-58; and

WHEREAS, Section VI, Work rules and Standards, Subject 4, Attendance of the Personnel Policy and Procedure Manual indicates that the Borough Administrator shall implement a uniform attendance record keeping system; and

WHEREAS, an exception may be approved by resolution of the Mayor and Council; and

WHEREAS, the Police Chief uses a Roster method of attendance which is kept in the Police Department and is duplicative of the recording of days worked for the week; and

WHEREAS, the Personnel Subcommittee has met and considered this matter and after consultation with the Labor Attorney has issued a recommendation to the Mayor and Council.

WHEREAS, the Mayor and Council considered at their work session of November 15, 2010 making those changes to the Personnel Policy & Procedure Manual; and

NOW, THEREFORE, BE IT RESOLVED that the Police Chief shall be exempt from following the Scheduled Hours and Hours Worked portion of the attendance form.

BE IT FURTHER RESOLVED that the Police chief shall continue to file this attendance form semi-monthly to tract sick, vacation, comp time and personal days.

December 6, 2010

#10-416 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Public Safety Building Generator

WHEREAS, there exists a need for expert professional engineering services for the Public Safety Building Generator; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #10-250 dated June 21, 2010 in the amount of \$10,000.00 for Professional Services for the Public Safety Building Generator; and

WHEREAS, additional funding is required for professional services for the Public Safety Building Generator; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$7,500.00; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must

be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 327 South River Street, Suite 302, Hackensack, New Jersey 07601; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 6, 2010

#10-417 Amend Agreement with Millennium Strategies LLC, 60 Roseland Avenue, Caldwell, New Jersey 07006 for Extraordinary Unspecifiable Services

WHEREAS, there exists a need for a Grant Consultant for the Borough of River Edge; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Millennium Strategies LLC on March 1, 2010 in the amount of \$34,125.00; and

WHEREAS, the original contract only reflected 10 months of service and 12 months is required; and

WHEREAS, additional funding is required for the purpose of completing the additional two months of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$4,875.00; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on December 6, 2010; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached amended agreement with Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey 07006 in the amount of \$4,875.00.
2. The contract is awarded without competitive bidding as a "Extraordinary Unspecifiable Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 6, 2010

#10-418 Resolution Authorizing the Submission of the Recreational Trails Grant

WHEREAS, The State of New Jersey, Department of Environmental Protection, Office of Natural Lands Management in the Division of Parks and Forestry is offering a grant opportunity entitled The Recreational Trails Grant Program; and

WHEREAS, The Recreational Trails Grant Program derives its' funding from The National Recreational Trails Program, a sub-section of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which provides

monies to states for developing trails and trail facilities; and

WHEREAS, the Borough of River Edge strives to save tax dollars, assure clean land, air and water, improve working and living environments for its residents; and

WHEREAS, the Borough of River Edge is applying for this grant to construct a walking trail in Cherry Blossom Community Park.

THEREFORE, the Mayor and Council of the Borough of River Edge have determined that the Borough should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, authorize the submission of the Recreational Trails Grant.

December 6, 2010

#10-419 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payments

WHEREAS, the tax office has received duplicate tax payments for the 4th Quarter 2010 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue refund checks in the following amounts and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
205/10	Geraghty, James J. 793 Summit Avenue River Edge, NJ 07661	\$ 250.00
405/9	Lindsley, William R. 117 Hudson Street Hackensack, NJ 07601	\$ 905.45
906/13	Cavanagh-Bilodeau, Jennifer 207 Berkeley Road River Edge, NJ 07661	\$ 890.06
1106/27	O'Connell, Judy & George 328 Lexington Drive River Edge, NJ 07661	\$1,480.01
1210/15	Aydin, Nebil & Jennifer 168 Van Saun Drive River Edge, NJ 07661	\$2,767.90
1402/5.02	Alhassan, Ayishetu 106 Davis Drive River Edge, NJ 07661	\$ 897.75

December 6, 2010

#10-420 Release of Data on the Closed Session

WHEREAS, N.J.S.A. 10:4-12 states that the public may be excluded from a portion of a meeting held by a public body when it discusses those matters as defined as an exception by law; and

WHEREAS, N.J.S.A. 10:4-13 states that the closed session information may be discussed if the public body shall first adopt a resolution, at a meeting to which the public shall be admitted; and

WHEREAS, N.J.S.A. 10:4-13(a) states that the resolution shall contain a statement as to the general nature of the subject to be discussed including as precisely as possible, the time when the circumstances under which the discussion was conducted in closed session of the public body can be disclosed to the public; and

WHEREAS, the Mayor and Council have considered the release of the data and information of the below listed items at a work session dated November 22,

2010.

NOW, THEREFORE, BE IT RESOLVED, that the below listed items be hereby made available to the public.

<u>Closed Session Docket #1</u>	<u>Item Title or Description</u>	<u>Date of Meeting</u>
04-7/06-2	Litigation-Jersey One Auto Sales, Inc. versus Borough of River Edge	July 6, 2004
04-9/20-1	Potential Litigation - 110-130 Kinderkamack Road	September 20, 2004
04-10/04-1	Litigation-Jersey One Auto Sales/Tractor	October 2, 2004
04-10/04-2	Potential Litigation- 110-130 Kinderkamack Road	October 2, 2004
05-7/5-2	Litigation-Borough of River Edge vs. Grand Ave. Hye Group, Inc. Condemnation Proceedings	July 5, 2005
05-7/25-1	Litigation-Borough of River Edge vs. Grand Hye Group et als. Condemnation Proceedings	July 25, 2005
05-8/1-1	Potential Litigation-Pignatelli/752 Corp. River Dell Commons, Kinderkamack Road	August 1, 2005
05-10/17-1	Potential Litigation, Bl 1404, Lt 3.01 & 5 Property Commonly Referred to as "Huffman Koos and Total Wine" 1025- 1077 Main Street	October 4, 2005
05-10/24-1	Potential Litigation, Bl 1404, Lt 3.01 & 5 Property Commonly Referred to as "Huffman Koos and Total Wine" 1025- 1077 Main Street	October 4, 2005
05-10/17-3	Acquisition of Property-Kenneth B. George Cell Tower	October 17, 2005
05-11/21-2	Potential Litigation, Bl 1404, Lt 3.01 & 5 Property Commonly Referred to as "Huffman Koos and Total Wine" 1025- 1077 Main Street	November 7, 2005
05-12/19-1	Potential Litigation, Sprint & DEP Block 620, Lot 1	December 19, 2005
06-1/16-2	Potential Litigation-Gulla Constr.- Memorial Park	January 16, 2006
06-1/16-3	Potential Litigation-Sprint Spectrum LP	January 16, 2006
06-3/6-1	Potential Litigation-Cell Tower	March 6, 2006
06-8/7-6	Property Acquisition-Carol Lane Easements	August 7, 2006
06-8/28-1	Potential Litigation-New Prince Constr.	August 28, 2006
06-11/13-2	Litigation-Michael Cacani vs. River Edge	November 13, 2006
07-2/5-1	Litigation - Cell Tower	February 5, 2007
07-3/5-1	Acquisition of Land-Bl 701, Lt 19.01 Senior Residence	March 5, 2007
07-3/26-1	Colin Quinn, Esq. - Litigation Cacani v River Edge	March 26, 2007
08-8/4-1	Potential Acquisition. of Land, Block 212, Lot 18, 42 Lincoln	August 4, 2008
08-8/25-3	Potential Litigation-Sunday Activities	August 25, 2008
09-5/18-2	Litigation-Bill Lindsley-McMullen/Obchinetz v Maple Shade Township	May 18, 2009
10-1/25-1	Litigation-Chern vs. R.E.	January 19, 2010
10-8/2-2	Potential Litigation-Claim for Tree Damage - Stream Stabilization Project	August 2, 2010

December 6, 2010

#10-421 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM: Sanitation Landfill O/E	32-4652-124	\$ 5,000.00
FROM: Other Code Enforcement S/W	22-2001-011	\$ 1,000.00

TO: Engineering Services O/E	20-1652-100	\$ 6,000.00
FROM: Buildings & Grounds S/W	26-3101-011	\$ 1,000.00
TO: Police Communications O/E	25-2502-145	\$ 1,000.00
FROM: Bus S/W	27-3311-011	\$ 1,500.00
FROM: General Administration O/E	20-1002-199	\$ 1,500.00
TO: Uniform Fire Safety S/W	25-2651-011	\$ 3,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$ 6,000.00
TO: Animal Welfare O/E	27-3402-100	\$ 6,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$15,000.00
TO: SUI O/E	23-2252-100	\$15,000.00
FROM: Municipal Clerk S/W	20-1201-012	\$ 400.00
TO: Recreation S/W	28-3701-011	\$ 400.00

December 6, 2010

#10-422 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payment

WHEREAS, the tax office has received a duplicate tax payment for the 4th Quarter 2010 taxes on the following property; and

WHEREAS, a written request was received from their mortgage company to refund the overpaid amount directly to the mortgage company.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue refund check in the following amount and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
501/20	Garoyan, Seroon 6 Kimberly Way River Edge, NJ 07661	\$3,606.62
	TOTAL:	\$3,606.62

Make check payable to:

New York Community Bank
Attn: Tax Department
1801 East Ninth Street, Suite 200
Mail Code: OH98-0506
Cleveland, OH 44114

December 6, 2010

#10-423 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection)

WHEREAS, there exists a need for expert professional engineering services for the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection); and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #08-94 dated February 19, 2008 in the amount of \$25,000.00, amended via resolution #08-459 dated December 15, 2008 in the amount of \$25,000.000, amended via resolution #10-113 dated March 1, 2010 in the amount of \$7,100.00 for Professional Services for the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection); and

WHEREAS, additional funding is required for professional services for the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection); and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1568-100 of the Capital Fund in the amount not to exceed \$14,000.00; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 327 South River Street, Suite 302, Hackensack, New Jersey 07601; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 6, 2010

#10-424 Enter Into Agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey, 08054-3415 for Professional Services Related to the Removal of an Underground Storage Tank (UST) and Soil Remedial Investigation at the Bogert Road Pocket Park

WHEREAS, there exists a need to retain professional services related to the removal of an underground storage tank (UST) and soil remedial investigation at the Bogert Road Park; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1654-100 of the Capital Fund in the amount of \$2,000.00 and Account #01-2010-20-1652-100 of the Current Fund in the amount of \$5,000.00 for a total amount not to exceed \$7,000.00; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, Environmental Resolutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Environmental Resolutions, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Environmental Resolutions, Inc. from making any reportable contributions through the term of the contact; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on December 6, 2010; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054-3415 not to exceed \$7,000.00.

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to THE RIDGEWOOD NEWS for publication.

December 6, 2010

Councilman Smith read resolution #10-425 into the record.

Motion by Councilman Smith, seconded by Councilman Cannon to approve resolution #10-425.

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

#10-425 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT TOTAL	\$412,673.22
CAPITAL ACCOUNT	\$ 22,966.90
RECREATION ACCOUNT	\$ 346.86
ANIMAL WELFARE	\$ 4,277.34
TRUST OTHER ACCOUNT	\$ 33,207.50
OPEN SPACE ACCOUNT	\$ 3,322.94

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

December 6, 2010

Mayor Watkins-questioned the animal welfare amount. The Mayor asked if this money is used for the trapping of rats that inhabit different areas in town? Alan Negreann-explained that we have an animal control contract with the County for much of this funding. The animal control fund goes to a variety of other services such as rabies prevention for dogs and cats. Primarily the money is used for the contract with the Bergen County Animal Shelter.

OPEN HEARING OF THE PUBLIC -

Motion by Councilman Smith, seconded by Councilman Walker to open hearing of the public.

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

~~CLOSE HEARING OF THE PUBLIC -~~

There being no comments, motion by Councilman Cannon, seconded by Councilwoman Walker to close hearing of the public.

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman

Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

COUNCIL COMMENTS -

Councilman Cordts-welcomed Sandy Moscaritolo to the Council and looks forward to working together this year.

Councilman Cannon-thanked Councilwoman Rush for her service and stated that she will be sorely missed during budget season because she has an amazing grasp of the numbers and has contributed her knowledge towards the financial health of our town. Councilman Cannon also welcomed Sandy Moscaritolo to the Council and looks forward to working with him.

Councilman Smith-also welcomed Sandy to the Council and stated that it was nice to hear Mayor DeBari's positive endorsement and knows that he is coming to the Council with a wealth of knowledge. Councilman Smith informed everyone that December 3rd is International Day for Persons with Disabilities which acknowledges that if a person has a disability it does not mean that they are not a full and useful resident within any state of the union. Many who are disabled have to fight through things that many of us take for granted. He is proud to say that River Edge is very active in keeping the community accessible for our residents who have disabilities. Councilman Smith informed everyone that the Fire Department had a working kitchen fire during the day in a home on Summit Avenue and was thankful that there were no injuries and that the fire was kept under control with limited damage.

Councilman Porco-welcomed Councilman Moscaritolo.

Councilman Moscaritolo-introduced himself to everyone and stated that for those who don't know his background, he's been a resident of River Edge since 1999 and has been a practicing attorney for 23 years. He continued by saying that during that time, he has held several positions in local government and is very familiar with Council meetings. He is also familiar with the important duties that a Council person has and looks forward to working with everyone in the coming year.

Councilwoman Walker-also welcomed Sandy to the Council. She commented on the tree lighting that took place on Saturday and was disappointed that the park was as messy as it was. She was happy that there was a good crowd considering how cold it was. Councilwoman Walker read the following statement into the record:

River Edge established a dedicated Open Space trust fund tax in 2001 for acquisition, development and maintenance of lands for recreation and conservation purposes. The residents of our town will be asked to reauthorize this trust fund in a November 2011 referendum question. This question comes up every 5 years. The Recreation Commission relies on this trust fund to maintain, preserve and develop the parks in our town. The trust fund total amounts to about \$165,000.00 annually or 1% of the town's assessed value. Most of the projects the Recreation Commission has completed have been funded with our open space and matched with a grant from Bergen County's open space. We are able to get this matching grant from the county because we have an open space tax; towns without it are not eligible.

Last year our municipal budget was difficult to construct, we lost our state aid, had a significant reduced revenue stream and rising healthcare costs. Our entire workforce in the borough took furloughs versus laying people off. And for the first-time we used a large portion of the open space trust to put toward salaries. This action saved jobs in a difficult and unprecedented economic situation. But by definition the Open Space trust fund is not meant for this use and truly should be used only for the purposes stated in the law.

Next year we will be asking our residents to approve this referendum question again. If Open Space money is budgeted for uses other than its intent those who rely on the trust fund money-Recreation, Shade Tree, Beautification and 911 Memorial- will have no reason to campaign for this trust fund passage. And without the ability to match our Open Space with Bergen County Open Space- basically achieving a doubling of our open space money- our parks and recreation facilities will not be maintained and upgraded. We have fields to the south end's refurbished tennis courts. This takes years of planning persistence from the Recreation Commission and dedication to follow each project through completion. The Shade Tree Commission and Beautification work just as hard in their groups planning and following through plantings in our parks. And our beautiful 911 Memorial Garden is tended to with Open Space money. Our parks are an investment in our town. Our residents depend on our parks for their children's sports, town celebrations and their own wellbeing and fitness.

Early next year when this new council constructs the 2011 budget know there are consequences to utilizing open space funds for other than its intended use.

Mayor Watkins-commented that the tree lighting ceremony was very nice and thanked the Recreation Commission for putting the lights on the tree. The Mayor was happy to see all of the children enjoying Santa and thanked the Girl Scouts for singing during the ceremony. The Mayor also commended the River Dell Marching Band and Flag Twirlers on a great performance. The Mayor thanked all those involved for making the ceremony a success. She also welcomed Sandy to the Council and looks forward to working with him in the future.

ADJOURNMENT - 8:30 P.M.

Motion by Councilwoman Walker, seconded by Councilman Smith to adjourn the meeting at 8:30 p.m.

ROLL CALL VOTE - Councilwoman Walker, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated: